5109812/2021/OP-I-AGC01

GOVERNMENT OF ANDHRA PRADESH

ABSTRACT

Agriculture & Cooperation (H&S) Department - Regularization of services of Smt. V.Jayamma,W/o. Venkataramana, Retired Field Assistant, Chittoor District with effect from 25.11.1993 for the purpose of fixation of pay, pension and pensionary benefits as per the orders of the Hon'ble High Court in C.C.No.410/2021 in W.P. No.4603/2020, dated 25.02.2020 subject to further orders in SLPs pending before the Hon'ble Supreme Court of India, New Delhi - Orders - Issued.

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AGRICULTURE & COOPERATION (H&S) DEPARTMENT

G.O.Ms.No.72.

Dated.22.10.2021.

Read the Following

1 G.O.Ms.No.212, Finance & Planning (FW.PC.III) department, dated.22.04.1994.

2 G.O.Ms.No.11, Finance (HR.III) department, dated.20.01.2017.

3 Proc.Rc.No.18/2017 –E3, dated.06.03.2017 of the Joint Director of Sericulture, Chittoor, Chittoor District.

4 Orders dated.29.12.2017 of the Hon'ble A.P.Administrative Tribunal, Hyderabad in O.A.No.3484 of 2017 filed by Smt V.Jayamma, Retired Field Assistant, Chittoor District.

5 Orders dated.25.02.2020 of the Hon'ble High Court, A.P., Amaravathi in W.P No.4603/2020 filed by Smt V.Jayamma, Retired Field Assistant, Chittoor District.

6 From Commissioner of Sericulture, A.P., Guntur Lr.Rc.No.367/2020 - B3A, dated. 09.06.2020.

7 C.C.No.410 of 2021 in W.P No.4603 of 2020 filed by Smt V.Jayamma, Retired Field Assistant, Chittoor District.

8 Court Proceedings dated.03.09.2021 of the Hon'ble High Court, A.P., Amaravathi in C.C.No.410 of 2021

9 From Government Pleader for Services - I, High Court of A.P, Amaravathi letter dated.06.09.2021.

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ORDER :

In the G.O. second read above, orders were issued to create (726) posts in the category of Field Assistant under supernumerary basis for regularization of services of Full Time Contingent Employees working in the Sericulture Department those who have completed 5 years of service as on 25.11.1993 and continuing in the Sericulture Department. Accordingly, the eligible Full Time Contingent Employees were appointed as Field Assistants under category 12 of A.P. Last Grade Service Rules 1992, and placed on probation from the date of issuance of the said G.O. i.e. 20.01.2017.

2. Smt V.Jayamma, Retired Field Assistant, Chittoor District, who was covered in G.O.MS.No.11, Finance (HR.III) department, dated.20.01.2017 and appointed as Field Assistant under category – 12 of A.P Last Grade Service rules, 1992 in the time scale of Rs.13000 – 40270 in RPS, 2015 was retired on 30.06.2017 on attaining the age of superannuation i.e. 60 years. She has filed O.A.No.3484 of 2017 before the Hon'ble A.P Administrative Tribunal, Hyderabad, seeking directions to the respondents to regularize his services soon after completion of five years 31.12.1984 or at least w.e.f 25.11.1993 with all consequential benefits, such as, pay fixation, old pension Scheme, Revised pay scales etc.

3. The Hon'ble A.P. Administrative Tribunal, Hyderabad has allowed the O.A at the admission stage and passed orders on 29.12.2017 in O.A.No.3484 of 2017 filed by Smt V.Jayamma, Retired Field Assistant, Chittoor District, referring to the orders dated.13.09.2017 passed in O.A.No.1740, 1741 & 1761 of 2017. The operative portion of the orders/judgment is as follows:

"Having perused the earlier order cited by the learned counsel for the applicants in O.A.No.1740/2017 and batch, dated.13.09.2017, I am of the considered view that the facts in the present O.As are exactly similar to the three OAs referred to above. Hence, the applicants in the present OAs are also entitled for the similar relief granted in O.A No.1740/2017 and batch, dated.13.09.2017, which is as follows:

(PTO)

For all the above reasons, the respondents are directed to regularize the services of the applicants with effect from 25.11.1993 and on such, the applicants are entitled for notional pay fixation, and the service from that day shall be counted only for the purpose of pension and pensionary benefits. Appropriate orders in this regard shall be passed within a period of three months from the date of receipt of copy of this order.

The three Original Applications are allowed accordingly. In the circumstances, no costs"

The OAs are accordingly allowed at the admission stage with the consent of both the parties"

4. The individual has filed W.P.No.4603/2020 before the Hon'ble High Court, A.P., Amaravathi seeking directions to the respondents for implementation of Tribunal orders dated.29.12.2017 in O.A.No.3484/2017. The Hon'ble High Court allowed the W.P at the admission stage and passed the following orders on 25.02.2020.

"For the aforesaid reasons, the Writ Petition is disposed of, directing the respondents to implement the order of the Tribunal, dated.29.12.2017 passed by the Andhra Pradesh Administrative Tribunal, Hyderabad in O.A.No.3484/2017 within a periodof three (3) months from the date of receipt of a copy of this order.".

5. The Commissioner of Sericulture, A.P., Guntur being the 3rd Respondent in the above W.P. has informed to the petitioner vide reference 6th read above that the main case orders of Hon'ble APAT in OA No.1740/2017 and 3263/2017 and batch were challenged in W.P No.4247 of 2019 and 4994 of 2019 and were pending before the Hon'ble High court. He was also informed that the petitioner's claim will be examined basing on outcome of the judgment in W.P No.4247/2019 and 4994/2019 filed by the government.

6. The Hon'ble Division Bench of High Court, A.P., Amaravathi have dismissed the above W.Ps on 06.11.2020. Aggrieved by the orders of the Hon'ble Division Bench of High Court, SLPs filed before the Hon'ble Supreme Court of India, New Delhi vide SLP Nos. 011166 – 011167 of 2021, which are pending on the file of Hon'ble Supreme Court of India.

7. The petitioner in O.A & W.P, has filed C.C.No.410/2021 in W.P No.4603/2020 beforethe Hon'ble High Court, A.P., Amaravathi for non – implementation of the above Hon'ble High Court orders. The Contempt Case came up for hearing on 03.09.2021 and the Hon'ble Court has posted the Contempt Case on 23.10.2021 for compliance, failing which the Respondents No.1,2 & 3 i.e., Principal Secretary to Finance (HR III) Secretariat A P, Velagapudi Guntur District, Special Chief Secretary to the Government of Andhra PradeshAgriculture and Cooperation Sericulture Department, Secretariat A P Velagapudi Guntur District and Commissioner of Sericulture Government of Andhra Pradesh VijayawadaKrishna District are directed to appear in person before the Hon'ble High Court, atAmaravathi on 23.10.2021 at 10.30 AM.

8. After careful examination of the entire issue and in order to avoid further legal complications, Government have decided to Implement the orders of Hon'ble High Court of A.P. dated.25.02.2020 in W.P No.4603/2020 in O.A.No.3484/2017 and hereby order to regularize the services of Smt V.Jayamma, Retired Field Assistant, Chittoor District, with effect from 25.11.1993 notionally in terms of G.O.Ms.No.212, Finance & Planning (FW.PC.III) Department, dated.22.04.1994 for the purpose of pay fixation, pension and pensionary benefits subject to further orders in SLPs pending before the Hon'ble Supreme Court of India, New Delhi and other SLPs pending in the similar matter.

9. This orders/relief being extended only to the incumbent petitioner mentioned in the above W.P and not being treated as a precedent to be extended to any person/persons claiming to be similarly situated.

10. The Commissioner of Sericulture, Andhra Pradesh, Guntur shall take necessary action in the matter, accordingly.

(Contd.....3)

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11. This order issues with the concurrence of Finance Department vide their U.O.No.HROPDPP/46/2021, dated 21-10-2021.

(BY ORDER AND IN THE NAME OF THE GOVERNOR OF ANDHRA PRADESH)

POONAM MALAKONDAIAH
CHIEF COMMISSIONER RBKS &
SPECIAL CHIEF SECRETARY TO GOVERNMENT

To
The Commissioner of Sericulture, Andhra Pradesh, Guntur.
The individual concerned through the Commissioner of Sericulture, A.P., Guntur
The Director of State Audit Department, Andhra Pradesh.
Finance (HR.I–Plg,& Policy) Department.

Copy to:
The Government Pleader for Services-I, A.P.High Court Buildings, Nelapadu
P.S to Hon'ble Minister (Agrl.& Coop)
P.S to Chief Commissioner RBKS & Spl.C.S to Govt., Agrl.& Coop Dept.,
P.S to Prl.Secy.to Govt., Finance Dept., A.P Sectt.
P.S to Secy. to Govt., Finance (HR.I) Dept., A.P Sectt.
SF/SC.

// FORWARDED BY ORDER //

SECTION OFFICER